IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4424 OF 2006

Anna @ Mukinda Rama Solankar .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri.V.V.Purwant for the applicant.

Shri.S.S.Pednekar, A.P.P. for the State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18TH DECEMBER, 2006.

P.C.:

1. Heard Shri.Purwant, learned Advocate appearing for the applicant and Shri.S.S.Pednekar, learned A.P.P. for the State.

2. Shri.Purwant states that the applicant apprehends arrest in connection with C.R.No.104 of 2006 registered with Valsang Police Station, Solapur. The offences alleged are punishable u/s.323, 326, 147, 148, 149, 504,

506 r/w. 34 of I.P.C.

3. Shri.Purwant submits that the applicant is aged about 19 years and is a student. The entire incident has occurred on account of family dispute. The applicant stated that the only piece of land which is subject matter of the dispute is situated at Solapur. The applicant is desirous of continuing his education and would stay out of the village and reside in Solapur city till the conclusion of the trial. It is the elders in the family who are locked in the dispute and applicant was unfortunately dragged into it.

4. The incident had taken place as alleged on account of the land and money transactions. The applicant was allegedly present alongwith five others. The weapons allegedly used are axes and sticks. The injured persons are discharged from the hospital. The only apprehension expressed by the prosecution before the trial court and before me is that the weapon "axe" is yet to be recovered. The applicant has attended the concerned police station and extended all co-operation including production of the alleged weapon. He stated that by imposing conditions, he should be granted pre-arrest bail as custodial interrogation is not necessary.

5. Taking the totality of the circumstances into

account and in the peculiar facts of the case, the applicant is enlarged on pre-arrest bail.

6. Hence, the following order : -

i) In the event of the arrest of applicant in connection with C.R.No.104 of 2006 registered with Valsang Police Station, Solapur, the applicant shall be enlarged on bail in the sum of Rs.10,000/- (Rs.Ten thousand only) with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant to forthwith surrender his passport, if any, to the I.O. Applicant shall not leave Solapur city without permission of trial court. The applicants shall report to Vijapur Naka police station once in a week on every Saturday between 5.00 p.m. and 7.00 p.m. till the charge sheet is filed and thereafter as directed by the trial court till conclusion of trial.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him from disclosing such facts to the Court or to the police officer/investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will ensure to the benefit of the applicant only till chargesheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.Dharmadhikari, J.)